

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>8/18/09</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE APPLICATION OF CELLCO PARTNERSHIP :  
d/b/a VERIZON WIRELESS :

09 Civ. 7074 (DLC)

ORDER

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Related to :

UNITED STATES OF AMERICA, :  
Plaintiff, :

-v- :

41 Civ. 1395 (DLC)

AMERICAN SOCIETY OF COMPOSERS, AUTHORS :  
AND PUBLISHERS, :  
Defendant. :

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DENISE COTE, District Judge:

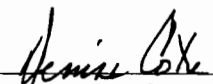
On January 23, 2009, Cellco Partnership, d/b/a Verizon Wireless ("Verizon") applied to the rate court for a determination of reasonable fees. On May 6, 2009, Verizon served a third-party subpoena on Music Choice seeking testimony and documents reflecting Music Choice's average monthly revenue per subscriber with access to each of Music Choice's audio music programming services for three years, and testimony and documents relating to Music Choice's negotiations with the American Society of Composers, Authors, and Publishers ("ASCAP") and Broadcast Music, Inc. concerning licensing fees for musical compositions contained in music videos and other audio visual

programming.<sup>1</sup> On May 22, 2009, Music Choice moved to quash this subpoena. Having reviewed the briefs and letters submitted by Verizon, Music Choice, and ASCAP on this motion, it is hereby

ORDERED that Music Choice's May 22, 2009 motion to quash is granted.

SO ORDERED:

Dated: New York, New York  
August 18, 2009

  
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DENISE COTE  
United States District Judge

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<sup>1</sup> Verizon served Music Choice with a subpoena out of the Eastern District of Pennsylvania on May 4, 2009, but at Music Choice's request Verizon withdrew this subpoena and reissued it out of the Southern District of New York on May 6.